

REMARKS

Claims 6, 11, 16-18 have been amended. Claims 16-18 were amended to correct minor informalities noted by the examiner in his Claim Objections paragraph. Additionally, claims 6, 11, and 16-18 have been amended to remove the potential for future 101 rejections. Although there are no outstanding 35 USC 101 rejections pending against the present application, it has been noted that such rejections have been made in other related cases filed on the same day with this application. Thus, these amendment have been made to remove a potential issue on appeal. Note that no new matter has been added, and no limitations have been added. Accordingly, claims 1-18 are currently pending in the application.

Claims 1-18 have been rejected under 35 USC 103 over a three-way reference combination of Hafner et al. in view of Yamamoto and further in view of Salvo et al. This rejection is respectfully traversed.

The claims cover one form of comprehensive system for supply chain management for a large plurality of stores that is predicated on receiving point of sale (POS) data from across the supply chain and what can be done with that POS data to manage raw materials used in production. The claimed system includes receiving POS data, aggregating the POS data, receiving a request from a supplier for information (which may be a forecast, per selected dependent claims), transmitting this information, adjusting a supply of raw materials based on the information, calculating a predicted amount of raw materials that should have been used, and comparing the actual amount of raw materials used to the predicted amount. An important aspect of the claimed combination is determining improper use of the raw materials from any of a variety of causes, such as, for example, waste, theft, and/or improper production methods for the final good. Such problems are indicated by a significant discrepancy between the predicted amount of raw material usage for a given amount of goods sales as compared to the actual usage as reflected by the purchase data for such raw materials. By way of example, for a restaurant hamburger good, one ounce of ketchup may be called for by the recipe for hamburger production. However, if the purchases of ketchup for the store are significantly higher than expected, then either there is a theft problem, a waste problem, or a failure to follow the required recipe. In any of these cases, the restaurant manager must take action.

Hafner discloses a system for processing transactions between a single buyer and a single supplier. In Hafner, POS data is received by a replenishment system (column 5, lines 17-22) and a forecasting engine is used to predict future inventory needs (column 5, lines 41-47). A suggested order quantity generator 270 uses that prediction to generate a suggested order (SOQ). The supplier may then approve or modify this SOQ (column 5, lines 56-59).

Hafner does not disclose receiving data from a plurality of stores, or aggregating that data for use in generating an order. Nor does it disclose adjusting a supply of raw materials based on the information, or “calculating a predicted amount of raw materials for a given level of sales of goods sold by the store; and comparing an amount of raw materials sold to a store and the predicted amount of raw materials for the given level of sales of goods, to thereby provide an indication of a level of discrepancy.” Hafner simply discloses a supplier-directed forecast in the context of a single-supplier – single-store relationship. Hafner does not disclose a management tool for a multi-store supply chain.

Yamamoto discloses a production system for retail goods that includes a raw materials ordering system which determines production quantities of raw materials. Yamamoto makes up few of the deficiencies of Hafner.

Salvo discloses a system for monitoring inventory levels stored in a silo, and includes a control unit for determining the best time to replenish the inventory and at what price. There is no disclosure or suggestion of receiving POS data, or aggregating that data, or calculating a predicted amount of raw materials for a given level of sales of goods sold by the store; and comparing an amount of raw materials sold to a store and the predicted amount of raw materials for the given level of sales of goods, to thereby provide an indication of a level of discrepancy.

The examiner states that Salvo “further teaches comparing the amount of inventory sold to a store with the calculated forecasted amount (See Col. 10, lines 62-Col. 11, line 37).” The examiner concludes that “It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the interface of Hafner et al. with the ability to adjust the supply of raw materials, as taught by Yamamoto et al., in order to respond to production plans.” And also concludes “It would have been further obvious to one of

ordinary skill in the art at the time of the invention to compare the amount of raw materials sold to a store with a calculated forecasted amount, in view of Salvo et al., in order to ‘increase productivity and quality’ at the manufacturing site (Salvo et al., Col. 11, lines 15-16).”

But Salvo is dealing with silos and monitoring an amount in a silo in a manufacturing operation. It does not receive POS data. It is focused on comparing two different received lots of raw materials, either from the same vendor or different vendors. See column 10, line 65 – column 11, line 16. Salvo does not look at the manufacturing operation itself, or focus on manufacturing waste, or failure to follow a correct recipe, or other problems that would be reflected when a predicted amount of raw materials that the manufacturer should use to produce a certain number of goods is compared against the actual amount of raw materials used to produce the goods. ~~Salvo focuses instead on quality of the raw material, while the~~ claimed invention focuses on quality and problems in the manufacturing process itself. This distinction is reflected in the limitations of “calculating a predicted amount of raw materials for a given level of sales” and then performing the step of “comparing an amount of raw materials sold to a store and the predicted amount of raw materials for the given level of sales of goods.” These steps are missing from Salvo. Moreover, Salvo does not recognize the problem that these steps are addressing, namely problems in the manufacturing and/or sale process.

To summarize, there is no motivation to make the three-reference combination since the problem of detecting problems in the manufacturing/sales process is not recognized by any of the references. Moreover, the actual steps of “calculating a predicted amount of raw materials for a given level of sales” and then performing the step of “comparing an amount of raw materials sold to a store and the predicted amount of raw materials for the given level of sales of goods” are not disclosed in any of the references. Thus, the independent claims and claims dependent thereon should be allowable for the same reasons stated for claim 1.

Claims 16-18 are similar to claim 1, except that the steps displaying an amount of raw materials sold to a store on a same page or screen as a recipe-predicted forecast for the raw material based on the amount of the goods sold by the store, to thereby permit a comparison and determination of variance due to errors or loss; and determining a percentage of cost of

the good attributable to the raw material have been added. The issue that these claims are dealing with is same as for claims 1-15, namely, waste, theft, and/or improper production methods for the final good. Such problems are indicated by a significant discrepancy between the predicted amount of raw material usage for a given amount of product sales as compared to the actual usage as reflected by the purchase data for such raw materials. This comparison can be seen visually via the display step on the same page or screen, as shown in Fig. 26 of applicants' specification, and is also indicated by the calculated cost of the good attributable to the raw material.

These steps in combination with the other steps of the claim are not disclosed in either of the cited references for the reasons stated above.

Accordingly, in view of the foregoing amendments and remarks, reconsideration of the office action is respectfully requested and an early passage to issue of the case is solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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